Another Instalment of the Broadway Railroad

Conclusion of the Evidence in

What Shall be Done with the Surplus Honey

The Proceedings of the Prison Association.

LETTER FROM MR. DAVIES.

New York, Monday, Feb. 28, 1853.

Henry Erben, Esq.—Dear Sir:—In the presentment made by you, as foreman of the late grand inquest, you have fallen into an error relative to the grant to Mr. Jos. B. Varnum, and the cancellation of the previous grant to Mr. Draper, which would convey the impression that I, as counsel of the corporation, had been very numiniful of the interests of the city, and had advised the cancelling of the grant to Mr. Draper, a release from him to Mr. Varnum, and a grant to him without any mortgage from Mr. Varnum being taken, whereby Mr. Draper's mortgage to the corporation to secure \$120,000, was of no value, and nothing had been taken in its place.

The facts connected with this transaction, as far as I was concerned or have any knowledge, are these:—In the latter part of the month of December last my clerk, Mr. Malone, who had prepared a grant to Mr. Draper, in accordance with a resolution of the Commissioners of the Sinking Fund, and a map sent to the office, made by one of the city surveyors, presented the same to me for my approval. I examined the resolution and the grant, and this was the first knowledge I had that a sale had been made of the Fort Gansevoort property. With the resolution was presented to me a letter signed by Mr. Reuben Lovejoy, the person named in the resolution of the Commissioners of the Sinking Fund as the purchaser, stating that he wished the grant to be made to Mr. Draper, and my clerk stated that such were the instructions from the Comptroller's office. He also presented me a bond and mortgage to be executed by Mr. Draper, to secure the sum of \$120,000, part of the purchase money. After examination I approved of these, as to their legal form, and all the papers were sent to the Comptroller's office, as was in all cases the practice, for exchange and delivery by the Comptroller.

I heard nothing further upon the subject until the day after, when Hon. J. Prescott Hall called on me,

with the sale of the land under water at Fort Ganse-woort. I had no interest directly or indirectly, re-motely or contingently, in that or any other sale made by the corporation, or in any grants, leases or privileges granted by the Common Council, while I held that office.

I voluntarily attended the grand jury and desired

held that office.

I voluntarily attended the grand jury and desired to give any information I possessed upon this or any other matter connected with the public affairs during the time I held office. Did you not inform me that the Grand Jury did not think it necessary to examine me at that time, but that they would do so, if any subject came under their cognizance in relation to which they might suppose I had any knowledge?

I regret that I had not been examined, as I could have stated that Mr. Varnum did execute his mortgage to secure to the city the sum of \$120,000, and that I had no doubt it would be found on record. It was the practice and duty of the Comptroller to place in the Register's office all mortgages to the corporation for record, and I do not believe but that he put there this mortgage of Mr. Varnum.

Respectfully yours, Henry E. Davies.

P. S.—Since writing the above note I have called me the Register's office, and find that the mortgage of Mr. Varnum to the corporation was recorded Dec. 30, 1862, as appears by the subjoined certificate:

BEGISTER'S OFFICE, Feb. 28, 1853.

I do certify that there was recorded in this office, and the day of December, 1852, a mortgage from Joseph B. Varnum, of the city of New York, to the mayor, aldermen, and commonalty of said city, dated Dec. 27, 1852, to secure the sum of \$120,000.

from Joseph B. Varnum, of the city of New York, to the mayor, aldermen, and commonalty of said city, dated Dec. 27, 1852, to secure the sum of \$120,000, and interest, and that the same now remains of record. (Signed) HENRY D. JOHNSON, Dep. Register.

New York, Tuesday, March 1, 1853.

NEW YORK, Tuesday, March 1, 1853.

Hgnry E. Davies, Esq.:—

Dear Sir—In answer to your note of this date, I can state that you are correct in saying that you woluntarily attended the grand jury room, and desired to be examined, as stated in your note to me, and that after communicating your request to the Grand Jury, I made you the reply that should any thing occur by which your testimony would be required, you would be subpoenaed. Yours respectfully,

HENRY ERBEN.

quired, you would be subposensed. Yours respectfully,

Alderman Sturtevant and the Presentment of the Grand Jury.

A CARD.

The Grand Inquest of the city of New York for the month of February last made a presentment to the Court, at the close of its labors, in which I am held up to my fellow-citizens as a member of the Common Council endeavoring to extort from a Mr. Quin the sum of \$2,000 for doing that which I, as a member, was bound to do in the discharge of my official duty; and I am thus subjected to the wrong of having an exparte statement, concocted by personal malignity, and disclosed in the secret chamber of the Grand Jury, to which I am not permitted access for explanation, and to be sent forto to the world to my serious injury; and my only remedy being an appeal to the public through the press. Driven to that course as my only alternative, I will proceed to state and explain the character of the transaction with Mr. Quin, and leave the public to judge whether I have been dealt justly with by the Grand Jury, in making their presentment without explanation.

Some time during the month of November—and I believe about the middle of it—John E. Devlin, Esq., a counsellor at law of this city, called on me and stated that he had a client who lived in New Jersey, and who was the owner of a lot of land, corner of Hammond and West streets; and that he believed that he was entitled to the pre-emptive right to the land under water in front of his lot, and requested my assistance to examine it, and to procure from the Commissioners of the Sinking Fund, which is a Board composed of the Mayor, the Comptroller, the Chamberiain, the Recorder and the Chalman of Committees of Finance of the two Boards of the Commissioners of the Sinking Fund, which is a Board composed of the Mayor, the Comptroller, the Chamberiain, the Recorder and the Chalman of Committees of Finance or application whatever the Common Council, and over which the Common Council have no control, a grant for said right, which he, Cain, expected to get for

upon Mr. Recorder Tillou to prosecute the most searching investigation into the whole transaction, and into any other in which malevolence may pretend to connect my name with any suggestion of official, professional or personal dishonor. A dead set is made on me by a rich and powerful influence, which is now moving heaven and earth, (but through means appropriate to neither.) to prevent the consummation of that great and valuable popular measure, a railroad in Broadway. Having been for many years an avowed friend to city railroads, and having done an honest duty, to my best convictions, in taking a prominent but perfectly disinterested part in the passage of the Broadway Railroad grant, I am the object of many shafts—and many poisonous ones. Some persons probably delude themselves into believing their own calumnies, or evil natured suspicions; others labor to break me down on system, as a means to an end. But I defy them, and I declare, in spite of all these calumnies which are made to poison the atmosphere, that my hands and my conscience are as free from stain, in reference to any official transaction of my life, whether as a member of the Common Council or in any other capacity, as I could wish them to be. If any man believes to the contrary let him now call the attention of the Recorder or the next Grand Jury to it; let him go forward himself, point out witnesses and suggest inquiries. I will hold no man to any ulterior responsibility for anything he may do in an honest and manly way, with a view to such an investigation. But let any man now come forward before either the Recorder or the Grand Jury, with any charge against the integrity of any official act or vote of mine, and I will thank him for the opportunity of investigation, and will facilitate by all means in my power, and will respond freely to any examination addressed to myself.

The office of Alderman is a thankless one enough. It consumes a great deal of time, makes its incumbent the object of a thousand attacks from parties disappointed or disp

sentment to which I allude, and then to reflect upon the liability of any man to have his character black-need for the most strictly upright transactions, misrepresented behind his back, before a Grand Jury, a body secret in its ex parte inquiry, and spreading a sort of official calumny far and wide through the land, in the form of a presentment, on a charge they have given him no opportunity to explain. Is not this an outrage of the most monstrous, and at the same time, cruel character? And who is safe from its Obsan W. Struggeans, Ald, of Third ward.

Oscar W. Sturrevant, Ald. of Third ward.

I should hope that the papers which have published the presentment of the last Grand Jury, will do me the justice to lay this, my statement, also before their readers.

O. W. S.

The Surplus Money in our Savings Banks. TO THE HONORABLE THE SENATE AND ASSEMBLY OF THE STATE OV NEW YORK.

The Irish Emigrant Society, of the city of New York, respectfully remonstrate against the passage of the law proposed in the Senate, to confiscate to the State the deposites in the savings banks of the city of New York, which have remained unclaimed for the period of twenty years, and petition for the passage of a law by which the parties who are entitled as heirs or other legal representatives, to these funds, may be enabled to ascertain their rights, and prefer their just claims, and also to provide a general system by which, in future, where deposites remain unclaimed for a period sufficient to justify the presumption of the decease of the depositors, the funds may be reclaimed by those entitled to the succession.

samption of the decease of the depositors, the funds may be reclaimed by those entitled to the succession.

To accomplish these objects, your petitioners pray that a law may be enacted requiring all savings banks in the cities of New Fork, Brooklyn and Williamslorg to publish in one or more of the public newspapers published in their respective cities, and also in the State paper, a statement of all deposites which have remained unclaimed for the period of ten years or more, specifying the name of the depositor, place of residence and nativity, (if known.) and full particulars as to dates and amounts, verified by the

such statement to be published once in each week, for the period of three months, and the expense to be charged upon the respective deposites in their relative proportions; and that hereafter, all such banks may be required to ascertain from each depositor, and enter in their books, the places of residence and nativity of each depositor, with the view to a full compliance with the above proposed requirements.

Your petitioners respectfully submit that when the circumstances under which deposits are made in savings banks, and the causes which have produced the existing accumulation of unclaimed deposites, are maturely considered, it will be seen that this petition is founded upon just grounds, and that the law of confiscation pending in the Senate cannot be equitably or validly exacted.

Savings banks are not usually resorted to by citizens, or persons who have been long residents in this country, because the business knowledge and spirit of enterprise they acquire early lead them to invest their means in pursuits which promise quicker and larger returns than the moderate interest which a savings bank would afford, and their savings are thus absorbed in channels of business almost as soon as they accumulate.

It is chiefly the emigrant who seeks the protection of a savings institution, to guard and preserve the savings he is enabled to guider by degrees and in

It is chiefly the emigrant who seeks the protection of a savings institution, to guard and preserve the savings he is enabled to gather by degrees and in small sums; and from the very necessities of his position as a stranger, if for no other reason, the fact remains a secret, resting between him and the officers of the bank.

Oftentimes a single member of a family emigrates here to accumulate means and establish a home for his kindred, before the hazard of emigration is encountered by those who are unsuited by age or sex to the hardship of a necessitous condition in a new country; and as means are saved, they are placed in a savings bank for security, until the amount needed in his native home is realized. This class of cases is numerous.

to the hardship of a necessitous condition in a new
country; and as means are saved, they are placed in
a savings bank for security, until the amount needed
in his active home is realized. This class of cases is
numerous.

Another class is that of emigrants who, having
settled here, are prevented by the smallness of their
means, and the want of knowledge of our country
and people, from entering upon business pursuits;
and resort is had to a savings institution to preserve
their little gains against the time of sickness or
want of employment, and eventually to enable them
to engage in trade.

Others, again, who, after remaining for a period in
our city, emigrate to other parts of our country in
the pursuit of employment, intending to return, and
who leave a sum which they can spare, to accumulate during their absence.

It is also not nusual for e nigrants to make deposits for the benefit, and in the names of their young
children, intending to leave the amount to increase
until their children shall have attained their majorities, or to provide against their becoming fatheriess
and dependent upon strangers or the public bounty.

The chief motives in nearly all the cases are to
make permanent and secret deposits. The motive of
secrecy is constantly uppermost with emigrants; being strangers, with none entitled to their confidence,
and subjected, as they frequently are, to imposition,
they guard with watchful care the secret of their accumulations, lest they may become the prey of the
designing and unworthy; and when sudden and unexpected death overtakes them, the secret dies with
them, except so far as it is preserved in the inaccessible records of the bank. There being no provision
of law by which the parties interested as the representatives of these deceased depositors can ascertain
even the fact of a deposit interested as the representatives of these deceased depositors can ascertain
even the fact of a deposit persons, at home and
abroad. It is claims unclaimed.

And when these considerations a

or are not lawful claimants, justly entitled to the succession.

To confiscate this property in the manner proposed, your petitioners insist, would be an appropriation of private property to public use, in violation of
the fundamental law of our government.

The instances of real estate becoming escheated to
the State, are comparatively few, and these do not
arise so frequently from the entire extinction of the
kin of the deceased as from their disability, as aliens,
to take it. That disability not existing in reference
to personal property, who can say, with certainty,
that there is a single dollar of the vast fund referred
to that has not a lawful owner in this or some foreign
country?

to take it. That disability not existing in reference to personal property, who can say, with certainty, that there is a single dollar of the vast fund referred to that has not a lawful owner in this or some foreign country?

Practical evidence upon this question is constantly presented in this city, in regard to other personal property. When a stranger dies with personal property in his possession, without heirs to administer upon it, the public offiser, appointed for that purpose, takes possession of it, giving public notice in the newspapers, and he protects and preserves it for the beneft of the persons who may be entitled to claim it. In due time this property is reclaimed by the relatives of the deceased, who have become informed of their rights through the public press, in distant lands, thousands of miles away; and many are the instances in which the necessities of parents, wices, and children, have been relieved by the assistant thus afforded.

Your petitioners are informed that no case has occurred since the formation of our State government, in which personal property to any considerable amount has reverted to the State under the doctrine of escheats.

There are many additional reasons which might be alluded to against the policy and justice of the proposed confiscation, one of which is that it would create a feeling of insecurity in savings institutions, which would tend, in a great degree, to impair their usefulness, giving rise to apprehension as to the permanent preservation and just ultimate disposition of the deposits; while the confidence which would be created with depositors, that in the event of their sudden decease, their relatives would be insured in the enjoyment of the property they might have in the custody of savings banks, would greatly enhance the beneficial influence which these institutions have thus far exerted.

Another objection is that the funds in question have been deposited with the banks in trust, and these institutions are responsible as trustees, and liable at any time,

The Alleged Perjury in the Forrest Divorce
Case—Conclusion of the Evidence.
COURT OF GENERAL SESSIONS.

Before the Recorder, and Ald. Wesley Smith and Bard.
THE DEFINEY CONTINUES.—HAVERTH DAY.
Fin. 26.—This cause was resumed at the sitting of the court this morning, to day being the eleventh which has been consumed by the actual trial, exclusive of the first day, on which the jury was empanelled only, and Saturday last, when the court adjourned without any proceedings being had. The accused was accompanied, as before, by his wife, and several relatives and friends, among whom were eight or nine ladies of very genteel appearance.
The cross-examination of Mass Harriet Doty, the defendant's sister, was resumed by Mr. Chatfield, at the point where discontinued on Friday last, the first question being the one then objected to, but which objection was then everruled. The court having noted the exception of defendant's coursel, allowed the question, as follows:—Q. Do you know where your bepther was from 1840 to 1844? A. I could not say positively, sir. Q. Do you mean to say you have no knowledge of his place of residence during that period? Objected to, as it had been shown she could have none but hearway knowledge of his residence. Question allowed and exception taken. A. During my brother's absence from home, till his return in 1844, I think I received letters from him from New Orleans Charleston, and New York; A. None that I received before his return in 1844; Q. Have you such letters?

A. I did not say, positively, that I ever received any, but that I thought so. Witness continued. It was a good many years since she had seen her brother when she saw him in 1844; she could not say how many; the lat place she saw him at, before that, was at Rochester, at home Q. Can you, on reflection, state whether you received any bretters from him at 1842 or 43? (Objected to; objection overruled and exception taken.). A. I do not think I could without seeing the letters, if I have any.

Q. Did you receive any since 1844? (Objecte

1846f (Same objection; same raling) Q. Chm you state you received any letters for one your brother, is date, 1846f Same objection; a see raling (is-siller questions were put as to the year 1846, with the like results in each case) Q. Where were your in July, 1846f (Objected in objection overruled and exception taken) A. In Rochester Q. Do you remember has to courred in that month; (Object ef to en the same princip's. Objection overruled, and exception taken) A. In Rochester; and one; (Objection overruled, and exception taken) A. In cannot ray, sir. Q. Do you remember anything to to carried using the month of July, 1842f (Objection overruled, and exception taken) A. I cannot ray, sir. Q. Do you remember anything that occurred unit is an objection sustained.) Q. Where were you in June. 1844f A. I was at my hou e, in Rochester; I am sure I was. Q. lurins the whole month? A. I think it was, sir. Q. Are you sure A. I think I am. Q. Do you remember anything that occurred in that month? A. I don't think new of any particular circumstance; I could not say, sir. Q. Was your father at home? A. I think he was, I could not say, sir. Q. Was your father at home? A. I think he was, I could not say, sir. Q. Was your father at home? A. I think he was, I could not say, sir. Q. Was your father at home? A. I think he was, I would not say I received any letters. Q. Where were you during the month of August, 1844f (Objected to—objection overruled and exception taken.) A. We were at Rochester, not all the month, but mostly so; if my memory serve me right we left at the latter part of the month, and came to New York; my mother, myself, two sisters, and two brother; my lather remained at Rochester. Q. Do you remember that you received any letters that mouth. A. I think I received a letter of letters—If 1dd, one was from my sister; that is all I remember; I may have received one from my brother, the defendant. Q. Who was the testing the signal of the sig

contending it assumed he had corrected his testimony, which was not shown, and that moreover it had been fally answered.

The Ceurt over-ruled the objection, and noted the exception.

Question put.—Did you see the re-examination of your brother when he corrected the date from 1843 to 1844?

A. I have seen it in the newpapers. Q. Was that after you came to New York? A. Yes. Q. While you were at your brother's? A. I think I saw the examination in the papers, but can't say when or where I asw them first. Q. How long did you remain in New York at that time? A. It might be two or three weeks. Q. Was the Forrest trial going on after you came? A. I think I saw some thing about it in the papers after I came. Witness continued—Did not go in to hear it; thought her brother was at home part of the time she was here; when they eame to New York in 1844, they lived in the Sixth avenue, at No. 14, she thought.

Direct resumed—The letter produced was the original, written by her brother to her, and was a genuine one; when she said penny post, she meant the express.

Mr. Chatfield said it bore the stamp, and he did not dispute the geaulienness of the letter. (Other letters shown.) One of those was a letter from her sister, in August, and another from her brother, in July. The family lived in New York about three years, and it was about fave years after their removal from Rochester, or three years ago, that they moved to Burlington; when also said she was two days and three nights coming from Burlington she did not mean on the road all the time; they were detained, but she could not remember the precise cause; she had come down during this trial, and got here in a day—tarted in the morning and arrived at night.

Calists. loty, another sister of the defendant, examined—Remember leaving Rochester, for the first time in her life, in 1844; came to New York; left on Friday and got here on Sunday morning; her eldest brother (William) came with her; he wrote the letter produced on the following day (Monday) to her sister, the last vine

they were too late.

Mr. Clark—The verdict was given on Monday morning,
January 26.

Witness continued—Did not know the date of the telegraphic despatch; did not know it was so late as to the
27th, but knew it was the day after the trial.

Direct resumed by Mr. Clark—She did not know about
a verdict, but her idea was the whole was concluded.

Robert N. Eldridge—Was a fishmonger in Washington
market; knew Mr. Doty for seven or eight years; so far as
he knew, his general character was good.

Cross-examined—Meant he was a good man—an honest
man; judged from his own knowiedge and what he had
heard there say; had heard a great many speak of him;
had heard Capt. Tupper speak of him as a good and econonical steward; had heard several other persons speak of
him; could not give their names.

The hour of adjournment having arrived, the Court rose
till Tuesday morning.

MRCH I.—One of the counsel employed for the defence
having been detained at the Surrogate's office this morning, some delay occurred in resuming the preceedings.
On the arrival of that gentlaman the first witness called
was

Mr. Alfred C. Smith, tallor, who (examined by Mr.

ing, some delay occurred in resuming the preceedings. On the arrival of that gentlaman the first witness called was

Mr. Alfred C. Smith, tailor, who (examined by Mr. Clark) deposed—that he knew Mr. Doty, and had known him fifteen years; his general character was good.

E Cross-examined by Mr. Chatfield—Had known him all the time; saw bim, except when he was awa; South; he went awas in 1841, and returned home again he thought about 1844; he came on here once in the meantime; that was in 1842; it must have been late in the summer or early in the fall. Q. What has been the character of Mr. Doty since the trial of the Forrest divorce suit?

Objected to on the ground that the question was the character at the time of the commission of the alleged offence. A man might be charged with crime, and testimony enough manufactured in six months to blacken the fairest character ever presented.

Question allowed, with a view of testing the witness' accuracy. Exception taken.

A. The opinions of people as to Doty's character since then seemed to be influenced by their prejudices in the Forrest usit.

Horace Whitehorne—Was engaged in the clothing business, and had lived in New York twenty two years; had known Doty twenty-six years; knew him in the country; never beard anything against his character till that trial. Cross-examined—Was quite a boy when he first knew him; he (Doty) came to New York in 1855; thought he was married then; he thought he was employed about some stages—not as driver; after that he was on the Long Island Railroad; afterwards in a public house in this city; could not trace him any further, as he left the city himself, in 1827; had seen him since his return in 1844; had visited his family, and he had visited witness' had heard his character canvassed since he was charged with this offence, and several thought him guilty whe her or no.

Hexter C. Force, builder—Knew the defendant since 1866; he was then at the Croton Hotel; his general

favor of Doty; before that it was like that as to any man charged with crime, many thought him guilty whe her or no.

Hexter C. Force, builder—Knew the defendant since 1846; he was then at the Croton Hotel; his general character was good.

Cross-examined—Up to the time of the Forrest trial he had heard nothing about his character; up to that time witness himself would have given him a good one.

Andrew Jackson Tuttle, wholesale liquor dealer, New York—Had known Doty five or six years; his general character, as far as he knew, was good.

Cross-examined—Had been in company with him a good deal; was a principal in the establishment, and had dealt with him.

E. D. Thompson—Had known Doty six or seven years; so far as he knew his character was good, he had been in the employment of witness, who kept a refectory; had been with him about a year.

Cross-examined—His place of business was in Pine street; Doty was carver, and left of his own accord; never heard any thing against his character; never himself made any such remark as that Doty could dress a great deal better than he could, and he did not tell how he got the means; witness had never been bitter against Mr. Forrest in his troubles. (Objected to and ruled out.) Understood by good general character, a man who attended to his business, at a against whom he knew nothing; did not know hee his character was certimated in the community.

James M. Saunderson, proprieter of the College Hotel, Philadelphia—Had known Doty since 1842; his character was good.

Cross-examined—Became sequalited with him in Phi-

Philadelphia—Had known Doty since 1842; his character was good.

Cross-examined—Became asquainted with him in Philadelphia; it struck him it was in summer time; he was stopping at his hotel on his way to New York; knew nothing more of him than any other guest except that he had semething to do with hotel business; did not

open their case.

The Attorney General replied, arguing that the testimony was rebutting. The defence had shifted their ground, and shown that Doty had gone to Rochester at a period later than that to which he testified, and it was to rebut this position.

Mr. Whiting followed the same argument adduced by his associate. The witness, Mr. Lawson, had before been exfinined as to this point of time, and if they were permitted, they might recall the colored woman and other witnesses. It was not to rebut anything they had shown, but to fortify their own case.

The Recorder said the rule was certainly well established that the prosecution must exhaust their testimony, and the court therefore sustained the objection, and the question was ruled out. Q. Bid you see Mr. Forrest daily, from the 19th July, 1844, to the end of the month? (Same objection, same ruling.)

Q. Bid Mr. Forrest call daily at your place of basiness, in the month of July, 1844? (Same objection, same ruling.)

The witness was then withdrawn.

Henry Reeve, called—Resided in Greene street, and did so in 1844; was a coal calear; there Mr. Forrest. Q. Did he deal with you in July, 1844?

Mr. Clark objected to the question, as immaterial, neither was it introductory, unless it be to such matters as could not logally be introduced. (Question allowed, and exception taken by defendant's counter). A. Check distained to the question of the subject, and direct a renewed discussion of the subject, and incidentally of the whole case.)

Q. Did you see Mr. Forrest between the 17th and the end of the month. (Same objection, same ruling.)

Henry Reeve, called—Resided in Greene street, and did so in 1844; was a coal dealer; there will be a such matters as could not logally be introduced. (Question allowed, and exception taken by defendant's counter). A. Called with you in July, 1844 (Question allowed, and exception taken by defendant's counter). A. Called with you may be proved to the counter of the proved to the counter of the proved to the counter of the proved to th

The fact that Boty attended on the Forrest case under process of subpons was admitted by the procession and moted.

Mr. Whiting said there was but one witness remaining whose testimony they had been unable to take, at intended, in writing, but it was on a point already passed upon by the Court, and it would probably be objected to. It was as to the intimacy between Mr. Forrest and Miss Cliffon. Counsel did not, however, press the subject, and it was withdrawn, both sides concluding their testimony here.

here.

After some discussion as to the order of summing up, it was arranged that an afternoon session abould be had to morrow (this day) which would enable them to complete the trial.

Mr. Whiting and Mr. Clark will each sum up on the part of the defence, and the Attorney General reply for the prorecution.

The Court adjourned about two o'clock, until eleven to morrow (Thursday) morning.

James Not character them, went them has made been been to be a proper to the proper to pecuniary loss of a serious nature. Whenever the invidual is proved to be innocent, it suggests the propri of making him some compensation for his loss of the the statistics of our prisons present many interestants in relation to the progress of crime. The first twe shall notice is, that in the city of New York, shill 1848, disorderly conduct, in almost every instance the sult of rum, bas, notwithstanding the efforts of tem rance and philanthropy, increased from 703 to 2,660, 278 per cent—that interication has increased about per cent, and the two together from 5,579 to 11,280.

200 per sent—that interication has increased about per cent, and the two together from 5,579 to 11,280.

201 a comparison of the prison statistics, for the last years, it appears that crimes against property have creased only about 50 per cent; but that crimes against person have increased 120 per cent, or from 1,300 1848 to 2,920 in 1862. An alarming feature of this trappalling fact is, that the increase reams to be reguyear by year, and not, as is sometimes the case, the resoft of the spassmodic effect. Another case of alarm not be found in the fact that the increase has been great in the highest crimes. Thus, we find assault to kill wain 1848, and 39, 59, 61, and 76 in 1852, or three fold; muslaughter, in 1848, was 3, and then 4, 16, and 11 in 1852, most four-fold; number in 1848 was 9, and 9, 18, 21, 165 in 1852, or more than six-fold. This rapid and fear increase of the mooth heinous crimes demands the mesicous consideration of the statesman, the philant phist, and the Christian, as also the fact that 90 per cof the whole number committed to this prison during past year were intemperate. The statistics of six State prisons, for the year 1861, give us a grand tota 4,507 prisoners, 3,006 of whom were imprisoned for offer against property, and 784 against the person. On scannover the tables of statistics, for these several prisons, only remarkable facts that present themselves are, that the State of New York alone, there are a greater and said it required no argument to sustain it. theory was nature and the argument humanity. were facts alone with which the Association had

theory was nature and the argument humanity. were facts alone with which the association had to it was one great step in the march of humanity amelioration of its condition, and the reduction of unferings. These were times when philanthropy in thousands to imitate Clarkson, whose laurels wreathed by Deity itself. Humanity had now taken it broad embrace every evil that may be remedied. The jects which this society had in view were emisently itsell. It penetrated the prison gloom, it visited the person gloom, it visited the person gloom, it visited the person gloom it visited the person gloom it visited the person was the prison with the prison of the prison were the result of these of among the poor outcasts of humanity, and it was a hoped reform outside, where reform is far more in sary than within. Let them fraternize with every consentative of humanity on earth. The increase of erims a very serious consideration. It was not confined to York. It was progressing all over the country. Thus the presence of all mischiffs—capital punishment. Some two sago he stood at the foot of the gallows where the viwere to be offered. He was told that they felt the ence of spiritual advice, and that they stood in the fine pity, and could go with safety into the presence of Maker. But such was not his opinion, as far as he judge from appearances. As they took their march is gallows tree, they seemed to think they were the her earth to make a Roman holiday. It was not for hay they are not prepared, but to him every sign aped wanting, and the revolting jost and ribaldry seem can be the were to the sare the prepared to think they were the her earth to make a Roman holiday. It was not for hay they seem to the prepared, but to him every sign aped wanting, and the revolting jost and ribaldry seem can be the earth to make a Roman holiday. It was not for hay they seem to the prepared, but to him every sign aped wanting, and the revolting jost and ribaldry seem can be the second of the same of the second of the second of the second of th